1862

(Courts)

File No 4

No. 1

Certain Regulations for the Bangalore Small Cause Court.

1

Section Courts
File No 4-62

By 1863 No 200

From The Judl Commr in Mysore
To The Secretary to the Commr of Mysore
Dated 8th January
Despatched 8th
Received 10th

Enclosures, No. 1

No 11

Subject.

Forwarding a copy of the proposed Regulations for the Bangalore Court of Small Causes with a view to the Commrs sanction being accorded to the same.

Orders.

I agree as to the suitability of the Regulations forwarded. Reply accordingly and put the papers into the hands of the Press

D 10/1/63

Comm
No 3 Dy 13 Jan

No. 14

Mysore Asst. Commrs. Offce

From

C. B. Saunders Esqr.
Asst. Commissioner
in Mysore

To

The Secretary to the Commrs.
of Mysore

Dated Bangalore 8th January 1834

Sir,

I have the honor to forward for submission to the Commissioners and with a view to his according his sanction to the same, a copy of the proposed Regulations for the Establishment of the Court of Small Causes which has been recently sanctioned for the Cantonment of Bangalore by the Supreme Government.

These Regulations have been drawn up very much upon the model of the Regulations in force in the Moffussil Small Causes Court

the Madras Presidency, but with
such modifications as have been deemed
advisable to adapt them to the special
requirements of the Jurisdiction of
the Bangalore Court of Small Causes.
The Regulations have been already
submitted in a draft official form
to the Commissioner by the First
Judge of the Court, and such altera-
tions as were then or have been since
suggested have been incorporated in
the present Copy and I have to request
that in the event of sanction being
accorded to the Regulations as they
now stand, they may be made over to
the Government Press with a view
to a certain number of Copies being
printed and struck off in a pamphlet
form for the use of the Courts and
for general distribution.

I have the honor to be

Sir

Your most Obed.t Servant

Bangalore
8th

No 1562

From Mysore Commissioner's Office

To

The Judicial Commissioner
in Mysore.

Sir,

I have the honor, by desire of the Commissioner, to state in reply to your letter No 1107 the 8th Instant, that he considers the Regulations submitted suitable, and that a sufficient number of printed copies of the same will be supplied to you on their issue from the Press.

D 12/1/63

Bangalore
13th January 1863

I have &c

Secretary

1863 No 11 1562.

To.

The Judicial Comp:
in Mysore

Dated
Dec 13 th January

No: 1562.

In reply to letter
No. 11 of the 8th Inst. states
that the Regulations sub-
mitted are suitable &
that printed copies of the
same will follow shortly.

To the

No 11 1562

No 3 of 13th Inst

1863 No. 1598

To.

The Judicial Comm.ee
in Madras

Dated 3 No. 30
Dupt.d 19th January.

21st January

No. 1598.

Returns the
Small Cause Court Rules
as they cannot be printed
at the Govt. Press for reasons
represented, but authorizes
their being done at some
other Press. At the same time
remarks that it appears to
him that clause XIX might
be omitted & requests his
opinion of the same.

m No. 8 Dy 19th Instant.

No 1598

Mysore Commr's Office

Section

To

The Judicial Commissioner in Mysore
Bangalore.

Sir

With reference to my letter No. 1562 of the 13th Instant, I am desired by the Commr to return, ~~with his exception of repeal~~ the Small Cause Court Rules therein referred to, as, owing to the amount of emergent work devolving on the Secretariat in consequence of the preparation of the various Budgets, there is no prospect of their being printed for some time. He however authorises you having the Rules and Forms printed at some other Press.

D 17/1/63

2. The Commissioner at the same time remarks that on reconsideration ~~of the revised Rules~~, it appears to him that clause XXX might be omitted, and requests you to state if you consider its retention essential.

The Rules have not been finally sanctioned by Govt. & X

Bangalore
19th January 1863

I have &c
Asst
Secretary.

1863 No. 216

From The Judl. Commr.
To The Secretary to the
Commr. of Mysore
Dated 21st January
Despatched "
Received 22d " "

Section Courts
File No 4-67
Serial No 67

Enclosures, No.

No. 367

Subject.

Submits for Commrs. Consideration his reasons for the retention of Clause XXX of the Small Cause Court Regulations.

Orders.

Reply that if in the Jud. Comrs opinion the retention of Clause XXX is essential I consider that the Maharajah's name should be mentioned in it.

I suppose some that the printed rules may not fitly bear the Judicial Comrs signature

Sd/- Lewin 22/1/63

Station

No C. 13. — Cuddapah Esquire
Sd & Commissioners
in Mysore

To

The Secretary
to the Commissioner
of Mysore

Dated Bangalore 21st January 63

Sir,

I have the honor to acknowledge the receipt of your — No 1598 dated the 7th January 1863, and in reply to the Enquiry contained in the concluding Para, I would beg to state for the information of the Commissioner, that although I am not prepared to affirm that the retention of Clause XXX in the proposed Regulations of the Bangalore Small Cause Court is absolutely essential, I am at the same time of opinion that its omission would not be altogether advisable or desirable more especially as with certain slight additions and modifications to render it locally applicable,

applicable it has been drawn out
in accordance with the provisions
of Clause XXXV of Act No IX of
1850 which the Supreme Government
would assume from recent correspond-
ence to be anxious to see introduced
in its interests.

It will be seen that
the only immunity given by the Clause
in question to the Highest Executive
and Judicial Officers of Government
is an immunity from arrest and
personal duress, but no exemption
from being sued in the Small Cause
Court for debts or other claims
extended to them. It is not very
probable that any attempt will
ever be made to incarcerate for a
simple matter of debt either a
Member of Council, the Commis-
sioners of the Provinces or Even
perhaps any one more humble self
but we all know that collisions
have Ere this on more than one
occasion very nearly taken place
in the History of British India
between the Highest Executive and
Judicial Authorities and it is

possible for desirable to forward their
recommend by legislating beforehand
in such a manner as to preclude
the possibility of any such unseemly
conflict or scandal arising between
the two services.

3d I would beg in connection
to be informed with reference to
the above whether the Commissioner
desires the above Claims to be struck
out or retained, and also whether
the Regulations which submitted are
to be signed by the Commissioner
or by yourself as by order.

I have the honor to be

Sir,

Your most Obdt Servt

Bangalore
21st January
1863

Chas M Dawes Capt
Judl Commissr

N - 1627

Mysore Commr Office

To

The Judicial Commissioner
in Mysore

Sir.

I have the ho
by desire of the
Commissioner to sta
in reply to your lette
N°-367 of the 21st Inst
that if, in your opini
on the retention of
Clause XXX is esse
tial, he considers that
the Maharaja's name
should be inserted
in it.

2. It appears to
Commissioner that
printed rules m
most fitly bear you
signature

I have ho

Bangalore
24th January 1863

Secretar

D 23/1/63

No. 627

1863.

To.

The Judl. Commr.
Mysore

Dated
Dept.d 24th January.

No. 1627.

See reply to No. 367
of 21st Instt., states, that if in
his opinion the retention of
Clause XXX in the Civil Cause
Court rules is essential the
Nabob's name should be
inserted in it. & that the
printed rules may bear
yr. signature

Mysore Commissioner's Office

No. 1758.

15

To

The Judicial Commissioner

in Mysore

Sir,

[illegible]

FILE NO. 4 [illegible]

5

I have the honor by desire of the Commr to draw your attention to my letter No. 1583 of 25/2/63 to you, dated the 16th ultimo, and to request you to be so good as to expedite your reply. ~~without~~ ~~further delay~~.

I have &c

Bangalore
26th February 1863

Asst
Secretary.

1863 - No 1754

To.

The Judicial Com
in Mysore

Dated
Despatched } 26th February

No 1758.

From the Secretary to Government

Requests him to expedite his reply to letter No. 1583 of the 16th Ultimo

No 11 Dt 26th Instant

1803.

From The Lords Comm
for Adjudication
To The Secretary to the
Commrs Sydney

Dated 28th February

Despatched 3 March

Received 4th March

Enclosures, No.

No 1 to 5

Subject.

States for the Commissioners
information the circumstan
which determined him from
reply to his letter No 1583
of the 16th Ultimo -

Orders.

Cont. 2-3-63.

Await the receipt of the
further communication promised

B 6/3/63